

REMARKS

The Examiner has rejected Claims 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. ("Smith") in view of U.S. Patent No. 6,106,055 to Fischer ("Fischer"). Claim 32 has been amended to include all the limitations of Claim 33, and Claim 33 has been canceled. In addition, Claim 47 has been amended to be in independent form. Claims 34-46 and 48-62 also stand currently amended. Claims 1-31 stand previously canceled. Claims 32 and 34-62 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejection to current Claim 32. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. REJECTION OF CLAIM 32 UNDER 35 U.S.C. § 103(A) BASED ON SMITH IN VIEW OF FISCHER

On page 2 of the current Office Action, the Examiner rejects Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Fischer. This rejection is respectfully traversed and believed overcome in view of the following discussion.

Amended Claim 32 states, in part:

“wherein the two holding elements are arranged diametrical to one another and are acted upon **by two coil springs**.” (emphasis added)

This language of amended Claim 32 was previously present in Claim 33 (now canceled). Applicant respectfully asserts that the cited references fail to disclose the above language of Claim 32.

To that effect, Examiner admits that Smith fails to disclose the above language of amended Claim 32. In addition, while Examiner asserts that Fischer discloses two holding elements which are arranged diametrical to one another and are acted upon by pressure elements (Fischer at column 4, lines 17-26) or wedge arrangements (element 56 in Fig. 5 of Fischer), Examiner notably does not assert that Fischer discloses two holding elements which are arranged diametrical to one another and are acted upon by two coil springs. As such, Applicant respectfully asserts that the cited references fail to disclose the above language of Claim 32.

Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of independent Claim 32. Therefore, Applicants respectfully requests that Examiner remove the rejection of Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. in view of U.S. Patent No. 6,106,055 to Fischer.

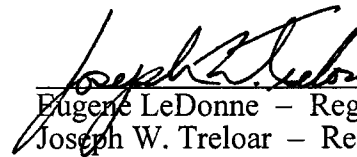
III. WITHDRAWN CLAIMS 34-46 AND 52-62

Withdrawn Claims 34-46 and 52-62 are each ultimately dependent from independent Claim 32. As Claim 32 is allowable, so must be Claims 34-46 and 52-62. Therefore, Applicant respectfully requests that Examiner rejoin and allow Claims 34-46 and 52-62.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference

with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



Eugene LeDonne – Reg. No. 35,930
Joseph W. Treloar – Reg. No. 60,975
REEDSMITH LLP
599 Lexington Avenue
New York, NY 10022
Tel.: 212.521.5400

EL:JWT

500638.20033